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JAN 16 2002

OFFICE OF PETITIONS

In re Application of	:	
George G. Barclay et al	:	DECISION DISMISSING
Application No. 09/778,365	:	REQUEST FOR
Filed: February 8, 2001	:	RECONSIDERATION
Attorney Docket No. 50533	:	

This is a decision on the petition for reconsideration filed January 3, 2002, requesting that the above-identified application be accorded a filing date of February 7, 2001, pursuant to the provisions under 37 CFR 1.10, rather than the presently accorded date of February 8, 2001. The petition is filed in response to a Decision Dismissing Petition mailed September 21, 2001.

Petitioners have submitted, inter alia, a second declaration by counsel's legal assistant Deanna M. Rivernider which details her contacts with the USPS. However, the evidence submitted does not substantiate that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service.

The petition was reconsidered as requested, but the result is the same. Accordingly, the petition is DISMISSED. The \$130.00 petition fee is being credited to counsel's deposit account.

This decision is again made without prejudice to reconsideration upon the filing of a request therefor, accompanied by the necessary corroborating evidence from the USPS or other evidence that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

Any further request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)) and should be addressed as follows:

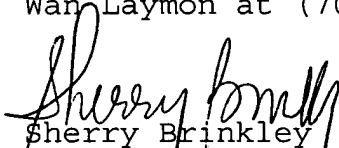
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The application is being returned to Initial Patent Examination Division for further preexamination processing.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.


Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy